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Karma Automotive LLC*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

KARMA AUTOMOTIVE LLC,

Plaintiff,

v.

POWERSOURCE LLC; and DOES 1–
20, inclusive,

Defendants.

Case No. 8:16-cv-00530-TJH-MRW

**DECLARATION OF GERMAIN
D. LABAT IN SUPPORT OF
KARMA AUTOMOTIVE LLC'S
MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT**

Date: November 28, 2016
Time: UNDER SUBMISSION
Courtroom: 17
Judge: Hon. Terry J. Hatter Jr.

Trial Date: None set.
Action Filed: Mar. 21, 2016

DECLARATION OF GERMAIN D. LABAT

I, Germain D. Labat, declare as follows:

1. I am an attorney admitted to practice before this Court. I am a shareholder with the law firm of Vedder Price (CA), LLP, attorneys of record for plaintiff Karma Automotive LLC (“Karma”) in this action. I make this declaration in support of Karma’s Motion for Leave to File Amended Complaint. The facts stated herein are true and correct based upon my own personal knowledge, and if called as a witness to testify, I could and would testify competently thereto.

2. On October 17, 2016, I met-and-conferred telephonically with counsel for defendant PowerSource LLC (“PowerSource”), Daniel Berko, regarding Karma’s proposed amended complaint. I discussed with counsel for PowerSource that Karma intended to name Ashwin Balan (“Balan”) as a defendant in the amended complaint and explained Karma’s rationale for doing so. I also discussed with counsel for PowerSource the additional claims Karma intended to bring against PowerSource and Balan, as well as Karma’s reasons for doing so. Counsel for PowerSource agreed to consider entering into a stipulation with Karma consenting to the filing of Karma’s amended complaint, which would obviate the need for Karma to bring a motion.

3. On October 20, 2016, an associate, Deborah Hedley, working at my direction, provided counsel for PowerSource with a draft of Karma’s proposed amended complaint. Subsequently on October 20, I met-and-conferred telephonically with counsel for PowerSource and again discussed, among other things, Karma’s proposed amended complaint. Again, counsel for PowerSource agreed to consider entering into a stipulation with Karma consenting to the filing of Karma’s amended complaint.

4. On October 26, 2016, counsel for PowerSource informed me, via email, that PowerSource would not stipulate to Karma’s filing of its amended complaint.

5. On March 4, 2016, Karma served certain third-party subpoenas, which were authorized by the Court, on LinkedIn, Twitter, and RipoffReport.com. LinkedIn subsequently responded to the subpoena by reporting that it was unable to locate any responsive records because the information sought by Karma fell outside of its records retention period. Twitter and RipoffReport.com, however, both reported in response to the subpoenas that the accounts created on each of their respective websites were created from the same internet protocol (“IP”) address, 208.127.103.5. This strongly suggests that each of these accounts was created by the same person or persons. Further investigation by Karma revealed that the servicer of IP address 208.127.103.5 was DSL Extreme. In response to a Court-authorized subpoena served by Karma on DSL Extreme, DSL Extreme reported that it had no longer possessed information related to IP address 208.127.103.5.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 31st day of October, 2016, at Los Angeles, California.

/s/ *Germain D. Labat*

Germain D. Labat

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2016, a copy of the foregoing **DECLARATION OF GERMAIN D. LABAT IN SUPPORT OF KARMA AUTOMOTIVE LLC'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

/s/ Germain Labat
 Germain Labat